

AMENDMENT FORM

Suggestion for amendment of Article 11, par. 1

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Status : Alternate

Article 11: Exclusive competences

1. The Union shall have exclusive competence ~~to ensure the free movement of persons, goods, services and capital, and establish competition rules, within the internal market, and~~ in the following areas:

- customs union,
- common commercial policy,
- monetary policy for the Member States who have adopted the euro,
- ~~the conservation of marine biological resources under the common fisheries policy.~~

Explanation:

The Union does not have exclusive competence to ensure free movement and establish competition rules within the internal market. It follows from the case law of the ECJ that Union competence in this field is shared with the Member States. The internal market is in fact also listed in Article 14 as an area of shared competence. This seems self-contradictory and not in line with the objective of clarity.

The area of “conservation of marine biological resources under the common fisheries policy” is too small to be mentioned in the first part of the Constitutional Treaty alongside substantial policy areas such as the customs union etc.